

EXHIBIT 6

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE COLLEGE ATHLETE NIL
LITIGATION

Case No. 4:20-cv-03919-CW

**DECLARATION OF TARA EVANS, ON
BEHALF OF THE UNIVERSITY OF
WYOMING, IN SUPPORT OF JOINT
ADMINISTRATIVE OMNIBUS MOTION
TO SEAL**

1 I, Tara Evans, declare as follows:

2 I am the Vice President and General Counsel at the University of Wyoming. The University
3 of Wyoming is a member of the Mountain West Conference. I make this Declaration based on my
4 personal knowledge and investigation, and if called as a witness to testify, I could and would testify
5 competently to the following facts.

6 1. This Declaration is being made in support of the Joint Administration Omnibus
7 Motion to Seal (“Motion”), and pursuant to Civil Local Rules 7-11 and 79-5.

8 2. The University of Wyoming moves to maintain the confidentiality of certain
9 portions of a document filed under seal by the Parties that contain or reflect confidential personal
10 information of individual student-athletes.

11 3. Specifically, the University of Wyoming requests that certain portions of the Expert
12 Report of Catherine Tucker, Ph.D. [ECF No. 251-1], as described below and as identified in the
13 Proposed Order Regarding Joint Administrative Omnibus Motion to Seal (“Proposed Order”) as
14 entry numbers 501, 502, and 504 be maintained under seal.

15 4. A party seeking to file a document under seal must “establish that a document, or
16 portions thereof, are sealable.” Civil L.R. 79-5(b). In connection with a dispositive motion, a
17 designating party must demonstrate that “compelling reasons” exist to protect the information from
18 being disclosed. *Kamakana v. City & County of Honolulu*, 447 F. 3d 1172, 1178-79 (9th Cir.
19 2006). Redactions, instead of complete removal, can be used to place “limited and clear” portions
20 of information outside the public record. *Id.* at 1183.

21 5. The University of Wyoming can demonstrate that compelling reasons exist to
22 maintain the following narrowly tailored redactions under seal.

23

24 **CONFIDENTIAL STUDENT INFORMATION**

25 6. The Report of Catherine Tucker, Ph.D. [ECF No. 251-1] contains and reflects
26 confidential personal information of the University of Wyoming’s student-athletes. The
27 University of Wyoming is required to keep confidential student personal information, and such
28 information may not be disclosed to the public without first obtaining a release from the student

1 or parent, as FERPA (Family Educational Rights and Privacy Act, 20 U.S.C. 1232g) requires. *See*
 2 *Rosenfeld v. Montgomery Cnty. Pub. Sch.*, 25 F. App'x 123, 132 (4th Cir. 2001) ("[T]he district
 3 court should consider FERPA in making its determination whether sealing of the documents in
 4 question is appropriate.").

5 7. Therefore, the University of Wyoming supports the Parties' Motion to redact those
 6 portions of the Report of Catherine Tucker, Ph.D. [ECF No. 251-1] which contain the personal
 7 information of individual the University of Wyoming student-athletes, as identified below and in
 8 the Proposed Order:

Document	Entry Number
Kilaru Decl. Ex. 1, Expert Report of Catherine Tucker	501; 502
Kilaru Decl. Ex. 1, Expert Report of Catherine Tucker	504

14
 15 8. The limited redactions proposed above are narrowly tailored and seek to seal only
 16 individual University of Wyoming student-athletes' confidential information, the public disclosure
 17 of which would harm such third-party individuals. Disclosing these redacted portions publicly is
 18 also unnecessary in this litigation, as these student-athletes' specific identities are irrelevant to
 19 Plaintiffs' arguments in support of class certification.

20 9. For the foregoing reasons, the University of Wyoming respectfully submits that
 21 compelling reasons exist to seal the information as identified above and in the Proposed Order.
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2 I declare under penalty of perjury under the laws of the United States of America that the
3 foregoing is true and correct.

4 Executed on September 29, 2023, in Laramie, Wyoming.

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Tara Evans
VP and General Counsel
University of Wyoming

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